

REMARKS

In response to the above-identified Final Office Action ("Action"), Applicants traverse the Examiner's rejection to the claims and seek reconsideration thereof. Claims 1 and 3-6 are pending in the present application. In this response, no claims are amended, no claims are cancelled and no claims are added.

I. Examiner Interview

Applicants respectfully submit the following summary of the Examiner Interview conducted between the Examiner and Applicants attorney via telephone on March 6, 2007. During the interview, Applicants attorney and the Examiner discussed the Examiner's maintenance of the rejection of claims 1 and 3 under 35 U.S.C. §102(a) over Do et al., *"Nonlinear optical materials containing organic chromophores of dendrimer structures: Synthesis and Optical properties"*, (Photonics Conference 2002) ("Do 2002") in the Final Office Action. In particular, Applicants pointed out reasons why Do 2002 is not "by others" and is therefore not a proper prior art reference against claims 1 and 3 under 35 U.S.C. §102(a) and discussed the possibility of submitting additional declarations pursuant to 37 C.F.R. §1.132 to overcome the reference. The Examiner indicated upon submission of a declaration pursuant to 37 C.F.R. §1.132 for Min-Su Kim declaring he is not an inventor of the subject matter of claims 1 and 3 but rather the subject matter of claims 4, 5 and 6, Do 2002 would be withdrawn as a reference.

II. Claim Rejections – 35 U.S.C. §102

A. In the outstanding Action, the Examiner rejects claims 1 and 3 under 35 U.S.C. §102(a) as being anticipated by Do 2002. Applicants respectfully traverse the rejection for at least the reason that Do 2002 is not a proper reference.

It is axiomatic to a finding of anticipation that the relied upon reference set forth each and every element of the rejected claim.

It is well settled that under 35 U.S.C. §102(a), an applicant's own work is not prior art unless that work is such as to constitute a statutory bar under 35 U.S.C. §102(b). *See* MPEP §§715.01(c) and 716.10 citing *In re Katz*, 687 F.2d 450, 454, 215 USPQ 14 (CCPA 1982). The Examiner alleges the previously filed Declarations pursuant to 37 C.F.R. §1.132 by Jung Yun Do, Seung Koo Park, Jung Jin Ju, Suntak Park and Myung Hyun Lee declaring they are the inventors of the subject matter disclosed in Do 2002 and claims 1 and 3 are insufficient to overcome Do 2002 as a prior art reference under 35 U.S.C. §102(a). In particular the Examiner alleges since Min-Su Kim is listed as an inventor of the instantly claimed invention and is not an author of Do 2002, Do 2002 is "by others."

Applicants respectfully disagree with the Examiner's conclusion for at least the reasons that Do 2002 is only cited against claims 1 and 3 and Min-Su Kim is an inventor of the subject matter of claims 4-6, not claims 1 and 3 as evidenced by the attached Declaration pursuant to 35 U.S.C. §1.132. Applicants believe Applicants need only show common inventorship between the subject matter of the claims at issue (i.e., claims 1 and 3) and the reference relied upon to reject those claims. *See* MPEP §716.10. Applicants believe since Do 2002 is only cited against claims 1 and 3 and Min-Su Kim was not an inventor of these claims, the fact that Min-Su Kim is not an author of Do 2002 does not render Do 2002 "by others" as alleged by the Examiner. Thus, Applicants have shown via the above-identified declarations that the inventors of the subject matter of claims 1 and 3 and the authors of Do 2002 are the same and therefore Do 2002 is not "by others."

Thus, for at least the foregoing reasons, Do 2002 is not prior art under 35 U.S.C. §102(a). Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. §102(a) over Do 2002.

III. Allowable Subject Matter

The Examiner indicates claims 4-6 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully submit, for at least the reasons previously discussed in regard to claim 1, claims 4-6 depend from allowable base claim 1

and are therefore in condition for allowance without rewriting them in independent form. In view of the foregoing, Applicants respectfully request consideration and allowance of claims 4-6 without rewriting them in independent form.

CONCLUSION

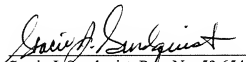
In view of the foregoing, it is believed that all claims now pending, namely claims 1 and 3-6, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: March 14, 2007

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on March 14, 2007.



Si Vuong